IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(sparta01.005)

Applicant:	Flam	**Paper No.:** N/A	
Application No:	10/036,591	**Group Art Unit:** 2176	
Filed:	11/7/01	**Examiner:** Robert M. Stevens	
		Fax: 571-273-8300	

Title: *Graphical User Interface for Automated Process Control*

Commissioner for Patents
Alexandria, VA 22313-1450

Response under 37 C.F.R. 1.116 to a final Office action in an RCE

Status of the prosecution

Applicant received a final Office action on 6/2/05 in the above patent application in which all claims were rejected under 35 U.S.C. 103 as obvious over the combination of Texier and Schultz. Applicant's attorney responded by arranging an interview which was held July 7, 2005 to discuss the claims and the references and then filing a traversal of the rejection on that same date. Examiner replied with an Advisory Action in which he maintained the rejection. Applicant thereupon filed a Request for Continuing Examination including a Submission in which claim 1 was amended to better distinguish it from the references. Applicant received a first Office action in the RCE on 11/8/2005 in which Examiner stated

> ... Applicant's amendments to the claims significantly change the scope of
> the claimed invention as a whole. As such, Applicant's arguments
> concerning the previous rejections of claims 1-19 under 35 U.S.C. 103(a)
> have been rendered moot. (Office action of 11/8/2005, §5)

and then rejected the amended claims under 35 U.S.C. 103 as obvious over two new references, U.S. Patent 5,586,039, Hirsch, et al., *Computer-aided manufacturing support method and system for specifying relationships and dependencies between process type components,* issued Dec. 17, 1996 (hereinafter "Hirsch") and U.S. patent 6,201,996,

Crater et al., *Object-oriented programmable industrial controller with distributed interface architecture*, filed May 29, 1998 (hereinafter "Crater"). Applicant again requested an interview, which Examiner graciously granted. The interview was held on Feb. 6 with Examiners Bashore and Stevens. The basis for the interview was a written

5 *Argument* which was faxed to Examiner Stevens on 2/3/2006. The *Argument* traversed the rejections. On 2/6/06, Applicant filed a response to the first Office action that included an expanded version of the *Argument*.

On 4/17/06, Examiner mailed a final Office action in which he again rejected all claims

10 as obvious over Hirsch and Crater. In a *Response to Arguments* beginning at the bottom of page 7 of the final Office action of 4/17/06, Examiner indicated that the arguments made in the *Argument* were not supported by the claim language. In particular, Examiner indicated that "the body of the claim sets forth no structure or process for "performing a query" and that "since the body of the claim sets forth no structure or process for

15 performing a query, the recited claim does not require an automatic performance of some action upon a query returning a record."

Upon receipt of the final rejection, Applicant's attorney telephoned Examiner to set up an interview to discuss claim amendments which would support the *Argument*. The

20 interview was scheduled for May 3. On April 25, Applicant's attorney faxed Examiner a set of amended claims which Applicants' attorney desired to discuss on May 3. Examiner was forced to postpone the interview to a later date in May. When the interview finally took place, Examiner indicated that the amendment to claim 1 now supported the *Argument*, but that further work on the claims was needed to relate the claim term

25 "window" to the rest of the claim and to leave no doubt that the claims were addressed to patentable subject matter.

Applicant is now amending his claims along the lines proposed in May. The amendments further leave no doubt that the claims are now addressed to patentable

30 subject matter. Applicant has further taken the opportunity to generally clarify his claim language by making it clear that the fields specified in the graphical user interface are

present in a set of the records and further clearly distinguishing between claim elements that belong to the window in the graphical user interface and claim elements that belong to the record that contains the field that is modified when the record is returned by a query.

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Please amend the claims as follows: